

11-408.

(b) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE duty of a vendor to collect the sales and use tax from a buyer is waived if the buyer provides the vendor with a signed resale certificate that:

- (i) is in the form that the Comptroller requires by regulation;
- (ii) states the name, address, and registration certificate number of the buyer; and
- (iii) contains a statement to the effect that the tangible personal property or taxable service is bought for the purpose of resale.

(2) A vendor may not accept a resale certificate:

(I) FOR A CASH, CHECK, OR CREDIT CARD SALE IF THE TAXABLE PRICE IS LESS THAN \$500; OR

(II) if the vendor knows or should know that the sale is not for the purpose of resale.

(3) A vendor shall obtain a resale certificate from a buyer:

- (i) before the sale is consummated; or
- (ii) if the vendor receives a notice of the Comptroller's intent to assess sales and use tax for failure to obtain a proper resale certificate, within 60 days after the date on which the notice is mailed.

(4) If the vendor fails to obtain the resale certificate as required, the Comptroller's assessment under paragraph (3)(ii) of this subsection is final.

(C) IF THE TAXABLE PRICE IS LESS THAN \$500 FOR A CASH, CHECK, OR CREDIT CARD SALE OR SALE FOR USE THAT IS NOT A RETAIL SALE:

(1) THE SALES AND USE TAX SHALL BE PAID WHEN THE SALE IS MADE OR WHEN THE USE BECOMES TAXABLE; AND

(2) THE BUYER WHO PAYS THE SALES AND USE TAX MAY FILE A CLAIM FOR A REFUND WITH THE COMPTROLLER.

11-501.

(a) A buyer who fails to pay the sales and use tax on a purchase or use subject to the tax to the vendor as required in § 11-403 of this title or who is required by regulation to file a return for a purchase or use subject to the tax shall complete and file with the Comptroller a sales and use tax return:

(1) on or before the [21st] 15TH day of the month that follows the month in which the buyer makes that purchase or use; and